

REMARKS

Upon entry of this amendment, claims 33-38 are all the claims pending in the application. Claims 13-20, 28-30 and 32 have been canceled by this amendment, and claims 33-38 have been added as new claims. No new matter has been added.

Applicants would like to thank Examiner George Monikang for the courtesies extended to Applicants' representative during the telephone interview conducted on March 25, 2009. During the interview, proposed new claims were discussed for distinguishing the claimed invention over the references applied in the Office Action. In this regard, Applicants note that the new claims presented herein correspond to the claims discussed during the interview. Applicants respectfully submit that such claims are patentable over the cited prior art references for the reasons discussed below.

I. Claim Rejections under 35 U.S.C. § 103(a)

Claims 13-20, 28-30 and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenthal (US 5,528,673) in view of Dunstan (US 6,876,310).

Initially, regarding the Dunstan reference, Applicants note that in the Office Action, the Examiner has referred to this reference as "Dunstan admitted prior art" (see Office Action at page 2). With respect to this characterization, it is noted that Applicants have not admitted that the Dunstan reference is prior art.

Regarding the claims, as noted above, claims 13-20, 28-30 and 32 have been canceled by this amendment, and have been replaced with new claims 33-38 in order to further distinguish

the claimed invention from the above-noted references. In this regard, Applicants submit that the above-noted references are inapplicable to the new claims for at least the following reasons.

Claim 33 recites the feature of an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change an output of the second apparatus, according to a distance between the first apparatus and the second apparatus.

Applicants respectfully submit that Rosenthal and Dunstan do not teach, suggest or otherwise render obvious at least the above-noted feature recited in new claim 33.

In particular, with respect to Rosenthal, Applicants note that this reference discloses a switching device for simultaneously controlling AC power to an electrical appliance and providing an infrared mute/unmute signal to an infrared-controlled device in response to initiation and termination of a telephone call (see Abstract).

Based on the foregoing description, Applicants note that while Rosenthal discloses the ability to change the output of an electrical appliance (e.g., turn AC power on/off) in response to the initiation and termination of a telephone call, that Rosenthal does not disclose or in any way suggest that a determination is made as to whether or not to change the output of the electrical appliance according to a distance between the electrical appliance and the telephone.

Accordingly, Applicants respectfully submit that Rosenthal does not disclose, suggest or otherwise render obvious the above-noted feature recited in new claim 33 of an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change an output of the second apparatus, according to a distance between the first apparatus and the second apparatus.

In addition, with respect to Dunstan, Applicants note that this reference discloses a method for determining the location of a remote control device, and controlling consumer electronic (CE) devices based on the determined location of the remote control device (see col. 1, lines 8-11). For example, as explained in Dunstan, when a user is located in room 1, and wishes to control the CE devices located in room 1 (i.e., TV1 and VCR1), the remote control device 450 will know that it is located in room 1 by receiving a control code transmitted by the transmitter 405 (see Fig. 5 and col. 3, lines 47-51).

Based on the foregoing description, Applicants note that while Dunstan discloses the ability to determine a particular room that a remote control device is located in, and to control the devices located in the determined room via the remote control device, that Dunstan does not disclose, suggest or otherwise render obvious the above-noted feature recited in new claim 33 of an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change an output of the second apparatus, according to a distance between the first apparatus and the second apparatus.

In view of the foregoing, Applicants respectfully submit that new claim 33 is patentable over the combination of Rosenthal and Dunstan, an indication of which is kindly requested. Claims 34-38 depend from claim 33 and are therefore considered patentable at least by virtue of their dependency.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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